


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HOWARD MORRIS	:	CIVIL ACTION
	:	
v.	:	NO. 18-4088
	:	
BARRY SMITH, <i>et al.</i>	:	

ORDER

AND NOW, this 25th day of February 2019, upon our careful and independent consideration of the Petition for writ of *habeas corpus* (ECF Doc. No. 2), United States Magistrate Judge Timothy R. Rice's January 16, 2019 Report and Recommendation (ECF Doc. No. 9), absent objection, and finding Judge Rice properly analyzed the untimely nature of the Petition absent statutory or equitable tolling or alternative start date, or otherwise due to fundamental miscarriage of justice, it is **ORDERED**:

1. We **APPROVE** and **ADOPT** Judge Rice's January 16, 2019 Report and Recommendation (ECF Doc. No. 9);
2. We **DENY** the Petition for writ of *habeas corpus* (ECF Doc. No. 2) with prejudice;
3. We find no probable cause to issue a certificate of appealability;¹ and,
4. The Clerk of Court shall **close** this case.



KEARNEY, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).